



Governing Board

CALL AND NOTICE OF SPECIAL MEETING

As Vice Chair of the Governing Board of the San Francisco Bay Restoration Authority, I am calling a special meeting of the Governing Board as follows:

Thursday, June 19, 2014
9:00 a.m. to 10:30 a.m.

Meeting Location:
California State Coastal Conservancy
1330 Broadway, 11th Floor Conference Room
Oakland, California 94612

Teleconference Location:
70 West Hedding Street, 10th Floor
San Jose, California 95110

For additional information, please contact:
Clerk of the Governing Board, (510) 464-7900

Agenda and attachments available at:
www.sfbayrestore.org

The Governing Board may take action on any item on this agenda.

- 1. Call to Order**
- 2. Roll Call**
- 3. Public Comments**
- 4. Announcements**
- 5. Approval of Summary Minutes of May 28, 2014**
Action
- 6. Review Status of Threshold Issues**
Discussion

7. Decision Regarding Adoption of a Resolution Calling for a Special Election to be held for the San Francisco Bay Restoration Authority

Action

8. Report to ABAG Finance Authority for Nonprofit Corporations regarding Grant to San Francisco Bay Restoration Authority

Action

9. Review and Update 2014 Meeting Schedule

Action

10. Adjournment

Submitted by:

/s/ John Gioia
Vice Chair

Date Submitted: June 11, 2014

Date Posted: June 12, 2014



Governing Board

REVISED SPECIAL MEETING AGENDA

Thursday, June 19, 2014
9:00 a.m. to 10:30 a.m.

Meeting Location:
California State Coastal Conservancy
1330 Broadway, 11th Floor Conference Room
Oakland, California 94612

Teleconference Location:
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San Jose, California 95110

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Agenda and attachments available at:
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The Governing Board may take action on any item on this agenda.

1. Call to Order

Vice Chair John Gioia, Supervisor, County of Contra Costa County, will call the meeting to order.

2. Roll Call

3. Public Comments

4. Announcements

5. Approval of Summary Minutes of May 28, 2014

Action

Attachment: Summary Minutes for May 28, 2014

6. Review Status of Threshold Issues

Discussion

Sam Schuchat, Executive Officer, California State Coastal Conservancy

7. Decision Regarding Adoption of a Resolution Calling for a Special Election to be held for the San Francisco Bay Restoration Authority

Action

Gioia

Attachments: Resolution 7, Ballot Measure; Resolution 8, Calling Special Election; Resolution 9, Affirming Urgency Critical Need

8. Report to ABAG Finance Authority for Nonprofit Corporations regarding Grant to San Francisco Bay Restoration Authority

Action

Kenneth Moy, Legal Counsel, Association of Bay Area Governments

Attachments: Moy memo dated June 16, 2014; Draft letter to ABAG FAN

9. Review and Update 2014 Meeting Schedule

Action

Gioia

10. Adjournment

Next meeting is on July 23, 2014, 1:00 p.m. to 3:00 p.m.

Agenda submitted by the Clerk of the Governing Board:
June 16, 2014

Agenda posted:
June 16, 2014



Governing Board

SUMMARY MINUTES (DRAFT)

Wednesday, May 28, 2014

1:00 p.m. to 3:00 p.m.

Meeting Location:

1330 Broadway, 11th Floor Conference Room
Oakland, California

For additional information, please contact:
Clerk of the Governing Board, (510) 464 7900

Agenda and attachments available at:
www.sfbayrestore.org

1. Call to Order

John Gioia, Vice Chair, called the meeting to order at about 1:05 p.m.

2. Roll Call

Frederick Castro, Clerk, reported that five members were present. A quorum of the Governing Board was present.

Present were Keith Caldwell, Cindy Chavez (joined the meeting at about 1:14 p.m.), Rosanne Foust, John Gioia, Dave Pine, John Sutter.

Present were Ezra Rapport and Kenneth Moy (ABAG); Judy Kelly and Karen McDowell (San Francisco Estuary Partnership); Samuel Schuchat, Amy Roach, Amy Hutzler and Melanie Denninger (California State Coastal Conservancy).

3. Public Comments

Nile Malloy, Communities for a Better Environment, commented on the proposed ballot measure, the Community Resilience Initiative, and equity and environmental justice issues.

Edward Denebeim, AASCEND, commented on the proposed measure related to employment opportunities for people with disabilities.

There were no other public comments.

4. Announcements

There were no announcements.

5. Approval of Summary Minutes of April 23, 2014

Gioia recognized a motion by Sutter and a second by Foust to approve the summary minutes of the Governing Board meeting on April 23, 2014. There was no discussion. The motion passed unanimously.

Ayes: Caldwell, Chavez, Foust, Gioia, Pine, Sutter.

Nays: None.

Abstentions: None.

Absent: None.

6. Vice Chair's Report

A. Appointment of New Chair

Gioia reported that the Executive Board of the Association of Bay Area Governments is expected to take action on the appointment of a new Chair of the Governing Board at its July meeting. He reported on discussions about the Chair position with Ted Lempert, former State Assemblymember and current Executive Director of Children Now.

B. External Public Education Program

Schuchat reported that the Resources Legacy Fund and other organizations have decided to not fund a public education program on San Francisco Bay restoration.

7. Review Status of Threshold Issues

A. Analysis of Tracking Poll

Ruth Bernstein, EMC Research, reported on the recently completed survey of likely November 2014 Bay Area voters regarding the proposed measure. She reviewed key findings from the survey, including the consistency of the survey results with polling conducted in January, the level of support after additional information is presented, and the viability of a November 2014 option for the proposed measure with a privately funded campaign effort to communicate with voters.

Members discussed the survey key findings.

B. Key Supporters

Patrick Band, Save The Bay, reported on the updated list of supporters, including county supervisors and local elected officials, developed by Save The Bay and other partners.

C. Ballot Access Funding

Sam Schuchat, Executive Officer, California State Coastal Conservancy, and Band reported on meetings with the Santa Clara Valley Water Agency regarding possible support for ballot access costs.

Members discussed ballot access costs, the draft expenditure plan criteria for restoration project grants, and developing a term sheet for a proposed agreement with the Santa Clara Valley Water Agency.

8. Grant Operations

Dave Pine, Supervisor, County of San Mateo, reported on labor organizations support of the proposed ballot measure.

Members discussed the Authority's grant administration and its review of grants for approved restoration projects.

Schuchat reported on post-election administration of an approved parcel tax measure.

9. Report on Ballot Measure Letter and Location

Band reported on the status of the proposed ballot measure letter designation and ballot placement.

10. Review and Vote on Resolutions

Schuchat reported on Resolution 7, Special Parcel Tax Ballot Measure for Voter Approval: The San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Measure, and Resolution 8, Calling a Special Election to be held for the San Francisco Bay Restoration Authority on November 4, 2014; Requesting Services of Registrars of Voters; Requesting Consolidation of Elections; and Specifying Certain Procedures for the Consolidation Election.

Members discussed the ballot measure title, summary, and description; ballot measure costs; possible support to cover ballot measure costs; campaign funding costs; public education campaign; key supporters; and placing the proposed measure on the November election ballot or on the ballot in another year.

Members expressed their respective positions regarding placing the proposed ballot measure on the November election ballot.

11. Adjournment

The Governing Board meeting adjourned at about 3:00 p.m.

A special meeting is scheduled on June 19, 2014, 9:00 a.m., at the California State Coastal Conservancy, 1330 Broadway, 11th Floor Conference Room, Oakland.

Submitted by the Clerk of the Governing Board:
June 6, 2014

Approved by the Governing Board:
TBD

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Resolution 7

**SPECIAL PARCEL TAX BALLOT MEASURE
FOR VOTER APPROVAL:
THE SAN FRANCISCO BAY
CLEAN WATER, POLLUTION PREVENTION AND HABITAT RESTORATION
MEASURE**

WHEREAS, the San Francisco Bay is the region's greatest natural resource and its central feature and contributes significantly to California's economic health and vitality. The Bay is a hub of interconnected open-spaces, watersheds, natural habitats, scenic areas, agricultural lands, and regional trails;

WHEREAS, the San Francisco Bay and its wetlands, waterways and shoreline are a significant part of the State's coastal resources and a healthy Bay not only enhances the quality of life for all Bay Area residents but is essential to support the state's human and wildlife populations;

WHEREAS, the San Francisco Bay must be protected and restored so that current and future generations may use and enjoy it;

WHEREAS, the restoration, preservation, and maintenance of the San Francisco Bay and its wetlands, improvement of Bay water quality, provision of public access to the Bay shoreline, and enhancement of shoreline recreational amenities for the growing population of the San Francisco Bay Area are immediate state and regional priorities;

WHEREAS, wetland restoration in the San Francisco Bay is necessary to address the growing danger that global warming and rises in sea level pose to the economic well-being, public health, natural resources, and environment of California. Tidal wetlands can prevent flooding and adapt to rising sea levels;

WHEREAS, the protection and restoration of the San Francisco Bay require efficient and effective use of public funds, leveraging of local funds with state and federal resources, and investment of significant resources over a sustained period for habitat restoration on shoreline parcels, parks, and recreational facilities, and public access to natural areas;

WHEREAS, in 2008, the State established the San Francisco Bay Restoration Authority (the "Authority") for the purpose of assisting in the restoration, enhancement, protection and enjoyment of the wetlands and wildlife in the San Francisco Bay and shoreline, including raising funds for programs that would protect and restore the Bay;

WHEREAS, the Authority is a regional governmental entity comprising the nine counties that touch the San Francisco Bay, including the Counties of Alameda, Contra Costa, Marin, Napa,

Resolution 7

**SPECIAL PARCEL TAX BALLOT MEASURE
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MEASURE**

San Mateo, Santa Clara, Solano and Sonoma, and the City and County of San Francisco (the “San Francisco Bay Area”);

WHEREAS, after years of study, the Authority has prepared the San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Measure in order to fund programs that will:

- Reduce trash, pollution and harmful toxins;
- Improve water quality;
- Restore habitat for fish, birds and wildlife;
- Protect communities from floods; and
- Increase shoreline access for public enjoyment.

WHEREAS, the State has authorized the Authority to levy a special parcel tax, subject to two-thirds voter approval, within the San Francisco Bay Area to fund these programs. A minimal parcel tax on real property of only \$9 a year will ensure these essential programs are funded and that the San Francisco Bay will be protected and restored for the use and enjoyment of current and future generations. Such a levy will generate approximately \$15,000,000 a year to fund specific clean water, pollution prevention and habitat restoration projects; and

WHEREAS, the proceeds from the parcel tax will be spent only for local projects that directly improve the Bay, and cannot be taken away by the State. The Measure also requires citizen oversight, transparency, independent audits of all money collected and spent, and strict caps on the amount that may be spent on project management and administration.

NOW THEREFORE, THE SAN FRANCISCO BAY RESTORATION AUTHORITY GOVERNING BOARD HEREBY RESOLVES, DETERMINES AND ORDERS AS FOLLOWS:

Section 1. Approval of Ballot Measure.

Pursuant to Government Code sections 50075 through 50077.5 and the San Francisco Bay Restoration Authority Act (commencing with section 66700 of the Government Code), the Authority hereby adopts the San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Measure (the “Measure”) and approves the placement of the Measure on the November 4, 2014 election ballot within the San Francisco Bay Area. A full copy of the Measure is attached hereto as Exhibit A.

Section 2. Tax Imposed and Rate.

Subject to two-thirds approval of the voters voting on the Measure, the special parcel tax that is the subject of this Resolution shall be levied in the amount and in accordance with the terms and procedures set forth in the Measure, for a ten-year year period commencing July 1, 2015 and

Resolution 7

SPECIAL PARCEL TAX BALLOT MEASURE FOR VOTER APPROVAL: THE SAN FRANCISCO BAY CLEAN WATER, POLLUTION PREVENTION AND HABITAT RESTORATION MEASURE

ending June 30, 2025. The parcel tax shall be levied at an annual rate of nine dollars (\$9) per parcel of taxable real property wholly or partially within the San Francisco Bay Area. The proceeds from the parcel tax shall be used solely for the purpose of supporting the programs and priorities set forth in the Measure and shall be spent exclusively for projects in the nine counties comprising the Authority.

Section 3. Method of Collection.

Subject to two-thirds approval of the voters voting on the Measure, the special parcel tax that is the subject of this Resolution shall be collected by the Tax Collector of each county and city and county within the San Francisco Bay Area in accordance with the terms and procedures set forth in the Measure.

Section 4. Accountability.

The special parcel tax that is the subject of this Resolution shall be subject to the transparency, independent audit, and accountability measures set forth in Exhibit A, including requirements that: (a) the proceeds of the parcel tax be used solely for supporting the programs and priorities set forth in the Measure; (b) the proceeds of the parcel tax be deposited in a special account; (c) the funds be spent only for projects in the San Francisco Bay Area and cannot be taken by the State; (d) an independent, annual audit be conducted of all funds collected and allocated under the measure; and (e) an annual report be prepared showing both the amounts of funds collected and expended and the status of any project required or authorized to be funded as identified in the Measure.

Section 5. Additional Action.

The Vice Chair of the Governing Board of the Authority, or any of his or her designees, is hereby authorized and directed to make any changes to the text of the Measure set forth in Exhibit A, to the abbreviated form of the Measure, or to the text of this Resolution or Resolution No. 8 (calling the special election), as may be convenient or necessary to comply with the intent of this Resolution and Resolution No. 8 to place the ballot measure on the November 4, 2014 ballot, the requirements of elections officials, or the requirements of the law.

Section 6. CEQA.

Pursuant to the State California Environmental Quality Act (CEQA) Guidelines section 15378(b)(4), adoption of this resolution to place the parcel tax, a government funding mechanism, on the ballot for voter approval is not a project subject to the requirements of CEQA. Prior to approval of funding of any projects pursuant to the Measure, any necessary environmental review required by CEQA shall be completed.

Resolution 7

**SPECIAL PARCEL TAX BALLOT MEASURE
FOR VOTER APPROVAL:
THE SAN FRANCISCO BAY
CLEAN WATER, POLLUTION PREVENTION AND HABITAT RESTORATION
MEASURE**

PASSED AND ADOPTED by the Governing Board of the San Francisco Bay Restoration Authority at its meeting on June 19, 2014, by the following vote:

AYES: Governing Board Members _____

NOES: Governing Board Members _____

ABSENT: Governing Board Members _____

ABSTAIN: Governing Board Members _____

John Gioia
Vice Chair

I, Frederick Castro, Clerk of the Governing Board of the San Francisco Bay Restoration Authority, do hereby certify that the foregoing is a true and correct copy of the Resolution adopted by the Governing Board of the San Francisco Bay Restoration Authority at its meeting of June 19, 2014, which Resolution is on file in the office of this regional governmental entity.

Frederick Castro
Clerk of the Governing Board

Resolution 7

Exhibit A

THE SAN FRANCISCO BAY CLEAN WATER, POLLUTION PREVENTION AND HABITAT RESTORATION MEASURE

Section 1. Findings and Purpose.

Over the last century, we have had a massive impact on the San Francisco Bay with landfill and toxic pollution. It is not too late to reverse what we've done and restore the Bay for future generations. To meet that objective, in 2008, state law established the San Francisco Bay Restoration Authority, whose purpose is to raise and allocate resources for the restoration, enhancement, protection, and enjoyment of wetlands and wildlife habitats in the San Francisco Bay and along its shoreline.

The purpose of the San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Measure is to protect and restore San Francisco Bay to benefit future generations by reducing trash, pollution, and harmful toxins, improving water quality, restoring habitat for fish, birds, and wildlife, protecting communities from flood and increasing shoreline public access.

A flat parcel tax of \$9 per year generating approximately \$15,000,000 per year will fund programs to protect and restore San Francisco Bay. The revenues generated by this Measure may be spent solely for the purpose of supporting programs and priorities that improve San Francisco Bay, and the Measure prohibits funds from being spent elsewhere or taken by the State. The Measure also requires transparency, independent audits, citizen oversight, and strict caps on administration costs.

Section 2. San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Expenditure Plan.

The revenues from the flat parcel tax set forth in Section 3 shall be used solely for the purpose of supporting the programs and priorities set forth in this Section.

A. Program Descriptions

Under this Measure, the San Francisco Bay Restoration Authority (the "Authority") may undertake projects along the Bay shorelines within the jurisdiction of the Authority, which includes the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano and Sonoma and the City and County of San Francisco (the "San Francisco Bay Area"). The shorelines include the shorelines of San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, and most of the Northern Contra Costa County Shoreline to the edge of the Delta Primary Zone. The Measure shall support the following programs:

1. Safe, Clean Water and Pollution Prevention Program

The purpose of this Program is to remove pollution, trash and harmful toxins from the Bay in order to provide clean water for fish, birds, wildlife, and people.

Resolution 7

Exhibit A

THE SAN FRANCISCO BAY CLEAN WATER, POLLUTION PREVENTION AND HABITAT RESTORATION MEASURE

- a. Improve water quality by reducing pollution and engaging in restoration activities, protecting public health and making fish and wildlife healthier.
- b. Reduce pollution levels through shoreline cleanup and trash removal from San Francisco Bay.
- c. Restore wetlands that provide natural filters and remove pollution from the Bay's water.
- d. Clean and enhance creek outlets where they flow into San Francisco Bay.

2. Vital Fish, Bird and Wildlife Habitat Program

The purpose of this Program is to significantly improve wildlife habitat that will support and increase vital populations of fish, birds, and other wildlife in and around San Francisco Bay.

- a. Enhance the San Francisco Bay National Wildlife Refuge, shoreline parks and open space preserves, and other protected lands in and around the Bay, providing expanded and improved habitat for fish, birds and mammals.
- b. Protect and restore wetlands and other Bay and shoreline habitats to benefit wildlife, including shorebirds, waterfowl and fish.
- c. Provide for stewardship, maintenance and monitoring of habitat restoration projects in and around the Bay, to ensure their ongoing benefits to wildlife and people.

3. Integrated Flood Protection Program

The purpose of this Program is to use natural habitats to help protect communities along the Bay's shoreline from the risks of severe coastal flooding caused by storms and high water levels in the Bay.

- a. Provide nature-based flood protection through wetland and habitat restoration along the Bay's edge and at creek outlets that flow to the Bay.
- b. Build and/or improve flood protection levees that are a necessary part of wetland restoration activities, in order to protect existing shoreline communities, agriculture, and infrastructure.

4. Shoreline Public Access and Education Program

The purpose of this Program is to enhance the quality of life of Bay Area residents, including those with disabilities, through safer and improved public access and educational opportunities, as part of and compatible with wildlife habitat restoration projects in and around San Francisco Bay.

- a. Construct new, repair existing and/or replace deteriorating public access trails, signs, and related facilities along the shoreline and manage these public access facilities.

Resolution 7

Exhibit A

THE SAN FRANCISCO BAY CLEAN WATER, POLLUTION PREVENTION AND HABITAT RESTORATION MEASURE

- b. As a limited component of pollution prevention, habitat restoration, flood protection, and public access projects, provide education about the health of the Bay in order to protect natural resources and encourage community engagement.

B. Additional Allocation Criteria and Community Benefits

1. The Authority shall ensure that the revenue generated by the Measure is spent in the most efficient and effective manner possible, consistent with serving the public interest and in accordance with existing law. The Authority shall give priority to projects that:
 - a. Have the greatest positive impact on the Bay as a whole, in terms of clean water, wildlife habitat and beneficial use to Bay Area residents.
 - b. Have the greatest long-term impact on the Bay, in order to benefit future generations.
 - c. Provide for geographic distribution across the region and ensure that there are projects funded in each of the nine counties that comprise the San Francisco Bay Area over the life of the Measure.
 - d. Increase impact value by leveraging state and federal resources as well as public/private partnerships.
 - e. Serve economically disadvantaged communities.
 - f. Benefit the economy of the region, including local workforce development, employment opportunities for Bay Area residents, and nature-based flood protection for critical infrastructure and existing shoreline communities.
 - g. Work with local organizations and businesses to engage youth and young adults and assist them in gaining skills related to natural resource protection.
 - h. Incorporate monitoring, maintenance and stewardship to ensure the most efficient and effective strategies for restoration and achievement of intended benefits.
 - i. Meet the selection criteria of the Coastal Conservancy's San Francisco Bay Area Conservancy Program and are consistent with the San Francisco Bay Conservation and Development Commission's coastal management program and with the San Francisco Bay Joint Venture's implementation strategy.
2. The Authority shall ensure that 50% of the total net revenue generated through-out the term of the Measure is allocated to the four Bay Area regions, defined as the North Bay (Sonoma, Marin, Napa and Solano Counties), the East Bay (Alameda and Contra Costa Counties), the West Bay (City and County of San Francisco and San Mateo County) and the South Bay (Santa Clara County) in proportion to each region's share of the Bay Area's population, as determined in the 2010 census, and consistent with the priorities set forth in this section. As a result, each region will receive the following minimum percentage of total net revenue generated through-out the term of the measure: North Bay: 9%, East Bay: 18%, West Bay: 11%, South Bay: 12%. The remaining revenue shall be allocated consistent with all other provisions of this Measure.

Resolution 7

Exhibit A

THE SAN FRANCISCO BAY CLEAN WATER, POLLUTION PREVENTION AND HABITAT RESTORATION MEASURE

3. The Authority shall conduct one or more public meetings annually to gain public input on selection of projects under this Measure. All actions, including decisions about selecting projects for funding, will be made by the Authority in public meetings with advance notice and with meeting materials made available in advance to the public.
4. The Authority may accumulate revenue over multiple years so that sufficient funding is available for larger and long-term projects. All interest income shall be used solely to support the programs and priorities set forth in this Section.
5. No funds generated by the Measure shall be used for political advocacy.
6. No more than 6% of the revenue generated by this Measure may be used by the Authority for general government purposes, including to administer the projects funded under this Measure. Any unused funds may be carried over for use in subsequent years.

C. Accountability and Oversight

In order to ensure accountability, transparency and public oversight of all funds collected and allocated under this Measure and to comply with state law, all of the following shall apply:

1. The specific purpose of the parcel tax shall be to support only the programs and priorities set forth in this Section. The proceeds of the parcel tax shall be applied only to those specific purposes of this Section and shall be spent only in accordance with the procedures and limitations set forth in this Section.
2. A separate account shall be created by the Authority into which all proceeds from the parcel tax must be deposited. The Authority shall commission an independent, outside annual audit of all revenues deposited in, and all expenditures made from, the special, separate account and publish an annual financial statement.
3. All funds generated by the parcel tax, except as set forth in Section 2.B.5 above, shall be spent on projects within the San Francisco Bay Area, and shall not be taken by the State.
4. The Authority shall prepare an annual written report showing (i) the amount of the funds collected and expended from the proceeds of the parcel tax and (ii) the status of any projects or programs required or authorized to be funded from the proceeds of the parcel tax, as identified above. The report shall comply with all provisions of Government Code section 50075.3, be posted on the Authority's website, and be submitted to the Bay Restoration Advisory Committee, established pursuant to Government Code section 66703.7 (the "Advisory Committee"), for review and comment.
5. The Advisory Committee shall provide advice to the Authority on all aspects of its activities under this Measure to ensure maximum benefit, value and transparency for safe,

Resolution 7

Exhibit A

THE SAN FRANCISCO BAY CLEAN WATER, POLLUTION PREVENTION AND HABITAT RESTORATION MEASURE

clean water, pollution reduction, habitat restoration, flood protection and public access in and around the Bay. Advisory Committee meetings will be announced in advance and will be open to the public. The responsibilities of the Advisory Committee shall include: (a) advising the Authority about implementation of this Measure; (b) making recommendations regarding expenditure priorities under this Measure; (c) reviewing expenditures on an annual basis to ensure they conform to the Measure; and (d) reviewing the annual audit and report prepared by the Authority, describing how funds were spent.

Section 3. Funding of San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Expenditure Plan.

Subject to voter approval, the Authority hereby establishes a flat parcel tax the proceeds of which shall be used solely for the purpose of supporting the programs and priorities set forth in this Measure. The parcel tax shall be levied at a rate of nine dollars (\$9) per parcel within the jurisdiction of the Authority which consists of the San Francisco Bay Area. The tax shall be levied annually for a total of ten (10) years, commencing effective July 1, 2015 and ending June 30, 2025.

The parcel tax shall be levied on each parcel of taxable property within the San Francisco Bay Area, and shall be collected by the tax collectors of each county and city and county in the San Francisco Bay Area (the "Tax Collectors") at the same time as, and along with, and will be subject to the same penalties as general, *ad valorem* taxes collected by the Tax Collectors. The parcel tax and any penalty shall bear interest at the same rate as the rate for unpaid *ad valorem* property taxes until paid. Any parcel tax levied shall become a lien upon the properties against which taxes are assessed and collectible as herein provided. The parcel tax shall appear as a separate item on the tax bill.

All property that is otherwise exempt from *ad valorem* property taxes in any year shall also be exempt from the parcel tax in such year. The Authority shall adopt procedures that set forth any clarifications and exemptions to address unique circumstances and any procedure for claimants seeking an exemption, refund, reduction or recomputation of the parcel tax.

Section 4. Establishment of Appropriation Limit.

Pursuant to Article XIII-B of the California Constitution, the appropriation limit of the Authority shall be set by the total revenues actually received by the Authority from the proceeds of the tax for the first fiscal year of operation, as adjusted each fiscal year after the first year for the estimated change in the cost of living, population and number of parcels on which the tax is levied. The appropriation limit may be further adjusted by any other changes that may be permitted by Article XIII B of the California Constitution. Any future increases in the appropriation limit shall be approved by a majority vote of the voters therein.

Resolution 7

Exhibit A

**THE SAN FRANCISCO BAY CLEAN WATER, POLLUTION PREVENTION
AND HABITAT RESTORATION MEASURE**

Section 5. Amendments and Severability.

A. The Governing Board of the Authority shall be empowered to amend this Measure by majority vote of its members to further the purposes of this Measure, to conform the provision of this Measure to applicable state law, to modify the methods of levy and collection of the parcel tax, or to assign the duties of public officials under this Measure.

B. If any part of this Measure is held to be invalid for any reason, such decision shall not affect the remaining portions of this Measure and the voters declare that they would have passed the remainder of this Ordinance as if such invalid portion were not included.



Resolution 8

**CALLING A SPECIAL ELECTION TO BE HELD
FOR THE
SAN FRANCISCO BAY RESTORATION AUTHORITY ON NOVEMBER 4, 2014;
REQUESTING SERVICES OF REGISTRAR OF VOTERS;
REQUESTING CONSOLIDATION OF ELECTIONS; AND SPECIFYING
CERTAIN PROCEDURES FOR THE CONSOLIDATION ELECTION**

WHEREAS, the San Francisco Bay Restoration Authority (“Authority”), a regional governmental entity, is authorized pursuant to Government Code section 66704 to levy a parcel tax, subject to two-thirds voter approval; and

WHEREAS, pursuant to Government Code sections 66702 and 66704, the Authority is authorized to levy a parcel tax, subject to two-thirds voter approval, in the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma, and the City and County of San Francisco (the “San Francisco Bay Area”); and

WHEREAS, pursuant to Government Code section 66704.05, when the Authority proposes to levy a parcel tax, the board of supervisors of the counties and city and county in which the parcel tax is proposed, are required to call a special election on the measure.

NOW THEREFORE, THE SAN FRANCISCO BAY RESTORATION AUTHORITY GOVERNING BOARD HEREBY RESOLVES, DETERMINES AND ORDERS AS FOLLOWS:

FIRST: A special election is hereby called within said Authority, which election is to be consolidated with the general election to be held on November 4, 2014. As required by Elections Code sections 13247 and 10403, the abbreviated form of the measure as it shall appear on the ballot is as follows:

San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Program.

To protect and restore San Francisco Bay to benefit future generations by reducing trash, pollution and harmful toxins, improving water quality, restoring habitat for fish, birds and wildlife, protecting communities from floods and increasing shoreline public access, shall the San Francisco Bay Restoration Authority authorize an annual parcel tax of nine dollars per year for ten years with citizen oversight, audits, and all funds staying local?

Resolution 8

**CALLING A SPECIAL ELECTION TO BE HELD
FOR THE
SAN FRANCISCO BAY RESTORATION AUTHORITY ON NOVEMBER 4, 2014;
REQUESTING SERVICES OF REGISTRAR OF VOTERS;
REQUESTING CONSOLIDATION OF ELECTIONS; AND SPECIFYING
CERTAIN PROCEDURES FOR THE CONSOLIDATION ELECTION**

The measure shall be voted on within the jurisdiction of the Authority, which pursuant to Government Code sections 66702 and 66704, comprises the San Francisco Bay Area.

SECOND: The Registrar of Voters of each county and city and county in the San Francisco Bay Area is requested to give notice of said election in accordance with law and to perform all other acts which are required for the holding and conducting of said election.

THIRD: The Board of Supervisors of each county and city and county within the San Francisco Bay Area is hereby requested to order the consolidation of the Authority's special election with the other elections to be held on November 4, 2014, and to provide the election precincts, polling places, and voting booths which shall in each county and city and county be the same, and that there shall be only one set of election officers in each of said precincts; and to further provide that the question set forth above shall be set forth in each form of ballot to be used at said election. Said Board of Supervisors is further requested to order the Registrar of Voters to: (a) set forth on all sample ballots relating to said consolidation election, to be mailed to the qualified electors of the Authority, the question set forth above and (b) provide absentee voter ballots for said consolidation election for use by qualified electors of said Authority who are entitled thereto, in the manner provided by law.

FOURTH: Pursuant to Government Code section 66704.05, each county and city and county within the San Francisco Bay Area shall use the exact ballot question, impartial analysis, and ballot language provided by the Authority. If two or more counties or city and county are required to prepare a translation of ballot materials into a different language, the county or city and county that contains the largest population among those counties or city and county that are required to prepare a translation of ballot materials into the same language shall prepare the translation and that translation shall be used by the other counties or city and county, as applicable.

FIFTH: Pursuant to Government Code section 66704.05, the Registrar of Voters of each county and city and county within the San Francisco Bay Area shall mutually agree to use the same letter designation for the measure.

SIXTH: Each Registrar of Voters of each county or city and county within the San Francisco Bay Area is hereby authorized and requested to canvass, or cause to be canvassed, as provided by law, the returns of said special election with respect to the total votes cast for and against said question and to certify such canvass of the votes cast to the Governing Board of the Authority.

Resolution 8

**CALLING A SPECIAL ELECTION TO BE HELD
FOR THE
SAN FRANCISCO BAY RESTORATION AUTHORITY ON NOVEMBER 4, 2014;
REQUESTING SERVICES OF REGISTRAR OF VOTERS;
REQUESTING CONSOLIDATION OF ELECTIONS; AND SPECIFYING
CERTAIN PROCEDURES FOR THE CONSOLIDATION ELECTION**

SEVENTH: The clerk of this Board is hereby authorized and directed to certify to the due adoption of the resolution and to transmit a copy hereof so certified with each of the Registrar of Voters within the San Francisco Bay Area.

EIGHTH: Exhibit A to Resolution No. 7 shall comprise the full text of the ballot measure.

NINTH: The Authority recognizes that each county and city and county will incur additional costs because of the consolidation of the election on this measure with the November 4, 2014 election and agrees to reimburse each county and city and county for the costs specified in Government Code section 66704.05(h). The Vice Chair of the Authority is hereby authorized and directed to expend the necessary funds to pay those costs.

PASSED AND ADOPTED by the Governing Board of the San Francisco Bay Restoration Authority at its meeting on June 19, 2014, by the following vote:

AYES: Governing Board Members _____

NOES: Governing Board Members _____

ABSENT: Governing Board Members _____

ABSTAIN: Governing Board Members _____

John Gioia
Vice Chair

I, Frederick Castro, Clerk of the Governing Board of the San Francisco Bay Restoration Authority, do hereby certify that the foregoing is a true and correct copy of the Resolution adopted by the Governing Board of the San Francisco Bay Restoration Authority at its meeting of June 19, 2014, which Resolution is on file in the office of this regional governmental entity.

Frederick Castro
Clerk of the Governing Board

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Resolution 9

AFFIRMING THE URGENCY AND CRITICAL NEED FOR NEW REGIONAL FUNDING FOR SAN FRANCISCO BAY RESTORATION

Whereas, the San Francisco Bay Restoration Authority (Authority) was created by the California State Legislature in 2008 with the mission of raising and allocating resources for the restoration, enhancement, protection, and enjoyment of wetlands and wildlife habitat in the San Francisco Bay and along its shoreline; and

Whereas, the Authority has worked to determine an approach to new Bay restoration funding most likely to secure necessary support from Bay Area residents and voters; and that in evaluating strategies for new Bay restoration funding has solicited input from well over 100 stakeholders throughout the region; and

Whereas, outreach by the Authority and community stakeholders has resulted in thousands of conversations about the urgent need for Bay restoration, improvement of flood protection infrastructure, and expanded public access to the Bay shoreline; and that those conversations resulted in a broad regional consensus in support of the Authority's work, including hundreds of local leaders from business, government, organized labor, local public agencies, environmental groups, scientists, and community leaders united behind the mission of the Authority; and

Whereas, members of the Advisory Committee and other partners provided critical input and content for a draft ballot measure, detailed expenditure plan, and list of potential projects; and

Whereas, polling conducted by both the Authority and private entities consistently showed that, with education about the opportunity to make San Francisco Bay clean and healthy for the next generation, 70% of Bay Area voters would support a modest parcel tax to advance the Authority's mission; and

Whereas, the consensus recommendation from political consultants, pollsters, and key stakeholders is to propose a ballot measure to voters when resources are available for a robust, independent political campaign to educate voters; and the Governing Board has determined that such resources have not yet been secured by supporters of a parcel tax to ensure such a campaign in 2014.

Resolution 9

AFFIRMING THE URGENCY AND CRITICAL NEED FOR NEW REGIONAL FUNDING FOR SAN FRANCISCO BAY RESTORATION

NOW, THEREFORE, BE IT RESOLVED, that the Governing Board of the San Francisco Bay Restoration Authority will continue to pursue its mission to promote restoration, enhancement, protection, and enjoyment of wetlands and wildlife habitat in the San Francisco Bay and along its shoreline; and

BE IT FURTHER RESOLVED, that the Governing Board directs staff to develop a planning calendar and work plan for a potential 2016 ballot measure; and that the Board encourages partners to continue educational outreach and engagement activities that increasing awareness and support from Bay Area elected officials, community leaders and residents; and that the Board seeks input from the Advisory Committee and the public to evaluate opportunities to develop new local funding for San Francisco Bay restoration.

PASSED AND ADOPTED by the Governing Board of the San Francisco Bay Restoration Authority at its meeting on June 19, 2014, by the following vote:

AYES: Governing Board Members _____

NOES: Governing Board Members _____

ABSENT: Governing Board Members _____

ABSTAIN: Governing Board Members _____

John Gioia
Vice Chair

I, Frederick Castro, Clerk of the Governing Board of the San Francisco Bay Restoration Authority, do hereby certify that the foregoing is a true and correct copy of the Resolution adopted by the Governing Board of the San Francisco Bay Restoration Authority at its meeting of June 19, 2014, which Resolution is on file in the office of this regional governmental entity.

Frederick Castro
Clerk of the Governing Board



Date: June 16, 2014

To: Governing Board
San Francisco Bay Restoration Authority

From: Kenneth Moy, Legal Counsel

Subject: **Grant from ABAG Finance Authority for Nonprofit Corporations**

The ABAG Finance Authority for Nonprofit Corporations (FAN) released grant funds in the amount of Ninety Thousand Dollars (\$90,000) for use by the Authority to pay for legal and technical advice and a tracking poll in support of placing a ballot measure on the November 2014 ballot. In the event the Governing Board takes action to delay placement of a ballot measure to November 2016, staff recommends that the attached letter be sent to the FAN Executive Committee. The letter briefly outlines the reasons for the decision and the status of the assets acquired with the grant funds.

ABAG staff will complete processing all invoices for the covered services and will account for them in compliance with all applicable accounting standards.

Attachment:
Letter to ABAG FAN Executive Committee

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June 19, 2014

Executive Committee
ABAG Finance Authority for Nonprofit Corporations
101 8th Street
Oakland, California 94607

Subject: ABAG FAN Grant to the San Francisco Bay Restoration Authority

Dear Committee Members:

San Francisco Bay Restoration Authority Background

The San Francisco Bay Restoration Authority (Restoration Authority) was created in 2008 and is a regional agency with a Governing Board made up of local elected officials. Its purpose is to raise and allocate local resources for the restoration, enhancement, protection, and enjoyment of wetlands and wildlife habitat in San Francisco Bay and along its shoreline.

Over the past five years, the Restoration Authority, working with its Advisory Committee of representatives from all major stakeholder organizations, developed a careful plan for a parcel tax measure to fund restoration of San Francisco Bay. With indicators that a ballot measure would be achievable, the Governing Board¹ of the Authority decided to consider placing a parcel tax measure on the November 2014 ballot in each of the nine counties of the region.

Planning for the November 2104 Ballot

In early 2014, to address the very specific ballot-related information needs, the Governing Board authorized the retention of Remcho Johansen & Purcell LLP as election counsel and NBS Government Finance Group as technical consultants. They were retained to help complete the process of turning the draft Expenditure Plan into a legally viable ballot measure and to provide an accurate assessment of the net revenues likely to result from the measure and costs of administering the revenue stream. The Governing Board also authorized a tracking poll to

¹ The current roster of the Governing Board is: Supervisor John Gioia (Contra Costa) (Vice-Chair), Supervisor Keith Caldwell (Napa), Supervisor Cindy Chavez (Santa Clara), Councilmember Rosanne Foust (Redwood City), Supervisor Dave Pine (San Mateo) and Director John Sutter (East Bay Regional Park District).

ABAG FAN Grant to the San Francisco Bay Restoration Authority

June 19, 2014

2

confirm and update previous polling by the Authority and others. By late May 2014 the Board had in place the following critical components for a successful parcel tax measure:

- A draft Expenditure Plan vetted with key stakeholders
- An efficient post-election staffing plan tapping personnel from the Association of Bay Area Governments (ABAG) and the State Coastal Conservancy (Conservancy)
- Stated support for the concept of the parcel tax from many members of the region's House Congressional delegation, State legislators and officers, local elected officials, business, community and environmental organizations, and local agencies.
- A series of increasingly positive polls indicating support for the tax measure among likely voters in November 2014
- Initial discussions with a regional entity to potentially cover the ballot access costs to place the measure on the nine county ballots. These costs included support for the ballot services (identified above) and the fees that would be imposed by the nine county registrars in the region for placing a measure on the ballot, estimated to be in the \$2 million range.

Initial feedback from capable and experienced campaign donors was also favorable. In particular, influential regional organizations (Bay Area Council, Silicon Valley Leadership Group and others) had expressed their interest and ability to raise funds for a private campaign in support of the measure.

Given the substantial progress described above, finding the initial funding to engage election council and complete a final tracking poll became a critical path issue for placing the parcel tax on the November ballot. Discussions with ABAG (which appoints the Governing Board and partially staffs the Authority on a no cost basis), indicated the possibility of a loan from FAN. Consequently, the Authority submitted a request to FAN dated March 19. After discussion by the FAN Board of Directors, a grant, in lieu of a loan, was authorized at the FAN Board meeting of mid-March. With that agreement in place, the Restoration Authority approved a series of tasks for the ballot consultants for critical path information related to the proposed ballot.

When the Governing Board met on May 28, 2014, the work of the election counsel, technical consultants and pollster was substantially complete. The Authority had in hand legal documentation for a ballot measure that would raise approximately \$15 Million annually for ten years and that was polling at 68% (approve at 62% plus leaning towards approval at 6%) without messaging; and at 72% after messaging (approve at 69% please leaning towards approval at 3%). With this positive information, the Authority moved to secure the balance (and bulk) of the ballot access costs.

Unanticipated Late Funding Roadblocks

Throughout the period from January to May 2014, the Authority maintained close contact with the donor community and our local and national political leaders. In late May, the Authority Board became aware that a significant policy issue had been raised. While a great deal of energy was directed by supporters of the proposed measure to address this issue, it became

ABAG FAN Grant to the San Francisco Bay Restoration Authority

June 19, 2014

3

evident that it could not be resolved in time to make the schedule for a November ballot. With this late-breaking development, two of the keystone donors withdrew their pledges for financial support for the Authority's measure which in turn jeopardized funding from other donors.

In light of this funding roadblock, the Authority will be considering postponing the ballot measure until 2016 at its June 19 meeting. The Restoration Authority Board and staff are deeply disappointed by the likely postponement of the measure and have taken steps to conserve FAN resources. The Restoration Authority Board will provide a full accounting of expenditures charged to the FAN grant and return any unexpended funds. The Restoration Authority Board wants to emphasize that the products that resulted from FAN grant funded activities have great intrinsic value that will be critical in any 2016 effort.

Sincerely yours,

John Gioia
Vice Chair

Cc: Clarke Howatt
SFBRA Governing Board
Samuel Schuchat
Ezra Rapport

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